



Doc Code AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

16356.761 (DC-03068)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on May 2, 2006Signature Krista MyrickTyped or printed name Krista Myrick

Application Number

09/919,444

Filed

July 31, 2001

First Named Inventor

Stultz, Paul Dennis et al.

Art Unit

2137

Examiner

Pyzocha, Michael J.


Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record. 26,528
Registration number☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34
Signature

James R. Bell

Typed or printed name

512-867-8407

Telephone number

5-2-06

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of one forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Stultz, Paul Dennis et al.

Serial No. 09/919,444

Filed: July 31, 2001

For: COMPUTER SECURITY DURING
POWER-ON SELF TEST

§
§
§ Group Art Unit: 2137
§
§
§ Examiner: Pyzocha, Michael J.
§
§
§

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Responsive to the Final Office Action dated March 2, 2006, please consider the following remarks in connection with the pre-appeal brief request for review. Review of the final rejection is requested for the following reasons:

1. The Rejection of Claims 1, 12 and 23, and their respective dependent claims, is not supported by a *prima facie* case of obviousness for Claims 1, 12 and 23.

Claims 1, 3-12, 14-24, 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over NEC and in view of Microsoft Computer Dictionary (Third Edition, 1997) (hereinafter Microsoft), further in view of Hobson et al (US 6065067) and further in view of Willner et al (US 6064666). A *prima facie* case of obviousness is missing, however, because there is no support for an obviousness rejection of the claimed subject matter as a whole and because the references fail to disclose each element of the claims or suggest the missing elements.

The rejection states that "the modified NEC and Microsoft system fails to disclose in response to a password entry, the processor ignores an input other than the pre-selected input characteristic if the password is not entered within a pre-specified time period after the prompt;

and the password is entered within the pre-specified time period, but there is no match with the stored password."

The rejection further states that "however, Hobson et al. teaches restarting the computer when an incorrect BIOS password is entered (see column 3 lines 14-26); and Willner et al teaches performing the same action when either an incorrect password is entered or a timeout has occurred (see column 12 lines 9-13). At the time of the invention it would have been obvious to a person of ordinary skill in the art to restart the modified NEC and Microsoft system if an incorrect password is entered or a timeout occurs."

The invention specifically claims comparing a first input to a pre-selected input characteristic, ignoring an input during a power-on self test procedure unless the first input matches the pre-selected input characteristic and prompting a user to enter a password when the first input matches the pre-selected input characteristic.

In response to a password entry, the following is claimed:


1. The processor ignores an input other than the pre-selected input characteristic if:
 - a) the password is not entered within a pre-specified time period after the prompt; and
 - b) the password is entered within the pre-specified time period, but there is no match with the stored password; and
2. The processor processes other inputs in addition to the pre-selected input characteristic if:
 - a) the password is entered within the pre-specified time period and matches the stored password.

In addition, a timeout is added to the password to provide an environment where the system boot or reboot may not be halted during a POST by an unauthorized user. The present invention claims "instructions causing a system boot or reboot not to be halted during a POST procedure, by an unauthorized user, by adding a timeout to the password."

In Hobson et al, the computer is restarted in response to an incorrect BIOS password. Willner et al also relates to computer restarting. Neither reference teaches not halting a boot or reboot in progress during a POST procedure, as claimed, by adding a timeout for this purpose.

Therefore, there is no support for an obviousness rejection of the claimed subject matter as a whole because the references fail to disclose each element or suggest the missing elements.

Respectfully submitted,


James R. Bell
Registration No. 26,528

Dated: 5-2-06
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8407
Facsimile: 214/200-0853
ipdocketing@haynesboone.com

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
on	<u>May 2, 2006</u>
Date	<u>Krista Myrick</u>
	Krista Myrick